Remarks

No claims have been amended. Claims 1-41 are pending in this application.

Claims 1-41 stand rejected under 35 U.S.C. §102(b) as being anticipated by Liechti et al. (U.S. Patent No. 5,715,164). Reconsideration is respectfully requested.

The present invention is directed to a method and system for metering messages presented to a user of a communications network, i.e., determining a number of times the message is actually presented to one or more users. For example, the message could be an advertisement in a web page displayed on a computer screen. A host web server can incorporate the advertisement in a network data stream as a message and send the network data stream to a network, such as, for example, the Internet, for viewing by a user. In accordance with one aspect of the present invention, a metering device monitors the network data to detect a code embedded in the advertisement message and counts the number of times that the advertisement is presented to the network. Thus, it is possible to accurately and securely track the distribution of the advertisement which can be utilized, for example, for billing purposes.

In view of the above, claim 1 is directed to a method of determining a number of times a message is presented to users of a communications network that comprises embedding a code in the message, detecting the embedded code, and counting the number of times, based on the detected embedded code, the message is presented to a user of the communications network.

Liechti et al., in contrast, is directed to a communication system that includes a data center that communicates with a plurality of postage meters via telephone dial-up lines to conduct resetting transactions. The data center is controlled by a postal authority, and can be used for gathering statistical data from each postage meter including the number of mail items in different postal classes processed by the postage meter. The data center can also be utilized to set postage limit amounts, time limits and piece limits on a postage meter. When the imposed limit is reached, the postage meter is programmed to

halt operation. (Col. 4, line 43 to Col. 5, line 10). Liechti et al. also describes a conventional technique to reset a postage meter with additional postage by telephone, thereby obviating the need to physically carry the postage meter to the postal authority for resetting. Specifically, the postage meter calls a computerized central facility (data center) for additional available postage. The central facility verifies the meter's identity and ascertains the availability of funds in the user's account. After the information is validated, the central facility debits the user's account and supplies a combination code to the meter or to the user for the user to introduce into the meter. The meter then independently generates another combination code and compares it with the received code. If their relationship is correct, the meter is reset with the additional postage requested. (Col. 1, lines 12-31).

The Office Action contends that the system in Liechti et al. is equivalent to the current invention. Applicant respectfully disagrees. It should first be noted that in Liechti et al., there is no disclosure, teaching or suggestion of a method or system for metering messages presented via a communication network. Liechti et al, as noted above, is directed to a communication system that includes a data center and a plurality of postage meters. A communication system in which a data center communicates with a plurality of postage meters is in no way related to a system or method for metering digital content that includes a message to be presented to users of a communication network. The Office Action contends that the actions of verifying the meter's identity, ascertaining the availability of funds in the user's account, and supplying a combination code to the meter or to the user as performed in Liechti et al. discloses embedding a code in a message, and further discloses counting the number of times the message is presented to one of the users of the communications network. There does not appear to be any basis for this contention, as in Liechti et al. there is no disclosure, teaching or suggestion of embedding any type of code in a message, nor is there any disclosure, teaching or suggestion of counting the number of times the message is presented to one of the users. In Liechti et al., the data center communicates with the postage meters to impose limits, reset the available postage amount, or collect statistical data. This information constitutes the message itself. There is no code embedded in this information that is detected to

allow for metering of the message. There is no disclosure, teaching or suggestion anywhere in Liechti et al. of embedding a code in a message or detecting the embedded code.

The Office Action further contends that collecting statistical data includes counting the number of times the message is presented, and relies on the disclosure of Col. 5, lines 23-65 to support this position. It should first be noted that the statistical data collected by the data center relates solely to the operation of the meter, and not to the communications performed between the data center and the meter. There is no basis for the contention that collecting statistical data includes counting the number of times the message is presented. Furthermore, Col. 5, lines 23-65, are related to the restrictions that can be imposed on a meter by the data center. For example, the value of the ascending register within the meter may not exceed the postage limit amount at any time. The meter becomes inoperative as soon as the ascending register (within the postage meter) is greater than or equal to the postage amount limit. Only by connection of the meter to the data center may a new postage amount limit be established. (Col. 5, lines 22-27). Similarly, a time limit can be imposed on a meter that restricts a time period within which the meter is operative. Specifically, the time limit is expressed as a pre-selected date after which the meter is no longer allowed to process any mail items. Only be connection of the meter to the data center may a new time limit be established and the meter be unlocked and resume operation. (Col. 5, lines 34-41). Alternatively, the time limit concept may be implemented using a down counting timer in the meter. (Col. 5, lines 44-46). A piece limit imposed on a meter restricts the number of mail items processed by the meter. During operation, the meter may not process more mail items than the allowed piece limit. Only by connection of the meter to the data center may a new piece limit be established and the meter be unlocked and resume operation. (Col. 5, lines 56-62).

Note, however, that there is no disclosure, teaching or suggestion anywhere in the passages relied upon by the Office Action, or anywhere in Liechti et al. for that matter, of counting the number of times a message is presented to a user based on the detected embedded code. In fact, in Liechti et al. each communication between the data center and

a particular meter is a unique, one-time communication to reset the meter and intended for only a single meter. Thus, <u>even if the data passed between the data center and meter is considered a message, it is only provided once to a particular meter, and would not be presented to other meters.</u>

With respect to claim 11, 15, 18, 21 and 23, the Office Action contends that Liechti et al. discloses the digital content being indicative of an advertisement, and relies on Col. 10, lines 1-5 to support this position. Applicant respectfully disagrees. In Liechti et al., a request packet, as illustrated in Fig. 6A, is sent from the meter to the data center. The request packet includes information related to the meter, such as, for example, a meter serial number field and a meter hardware ID field. The meter hardware ID field identifies the meter's shape, style, printed circuits, and other details of its hardware. A computer 103 (located in the data center) may utilize the hardware information for advertisement or compilation of statistics. (Col. 9, line 62 - Col. 10, line 5). Note however, that at no point in Liechti et al. is there any disclosure, teaching or suggestion of a message presented to a plurality of users of a communication system in which the message is an advertisement. If Liechti et al. teaches anything at all, it appears to be the data center simply gathering information related to a meter to determine what type of other products, supplies, or services that may be of interest to the customer that owns the meter (specifically, the computer may utilize the hardware information for advertisement or compilation of statistics).

For at least the above reasons, claim 1 is allowable over the prior art of record. Claims 2-11, dependent upon claim 1, are allowable along with claim 1 and on their own merits.

Each of independent claims 12 and 17 contain limitations substantially similar to those of claim 1, and for the same reasons given with respect to claim 1 are allowable over the prior art of record. Claims 14-16, 18-21, dependent upon claims 12 and 17, respectively, are allowable along with the base claim and on their own merits.

Independent claim 22 includes limitations similar to those of claim 1, and includes the further limitation of calculating a charge for presenting the message based on the number of times the data representative of the embedded code is detected. There is no disclosure, teaching or suggestion in Liechti et al. of calculating a charge for presenting the message based on the number of times the data representative of the embedded code is detected. In fact, there is no need or reason to calculate such a charge in Liechti et al. As noted above, in Liechti et al. each communication between the data center and a particular meter is a unique, one-time communication to reset the meter and intended for only a single meter.

For at least the above reasons, claim 22 is allowable over the prior art of record. Claims 23-26, dependent upon claim 22, are allowable along with claim 22 and on their own merits.

Each of new independent claims 27 and 38 include limitations substantially similar to those of claims 1 and 17, and also include the further limitation of calculating a charge based on the number of times the message is presented similar to that of claim 22. For the same reasons given above with respect to claims 1, 17 and 22, claims 27-41 are allowable over the prior art of record.

In view of the foregoing remarks, it is respectfully submitted that all claims are in condition for allowance and favorable action thereon is requested.

Respectfully submitted,

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